

# **EXHIBIT 6**

<sup>1</sup> Exhibit 2 to the previous motion contained an inconsistency between the English original and the Italian translation of the Letter of Request for International Judicial Assistance to take testimony in Italy.

Counsel for all parties identified below consent to having counsel for Deloitte & Touche

S.p.A. file this motion on all parties' behalf.

New York, New York  
Dated: March 29, 2006

HELLER EHRMAN LLP

By: /s Richard S. Martin

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re PARMALAT SECURITIES LITIGATION

This document relates to: All Cases

MASTER DOCKET  
04 MD 1653 (LAK)

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**[Proposed] Order for Commission**

The motion of plaintiffs under Federal Rules of Civil Procedure 28(b) and 30, 28 U.S.C. § 1781, and the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial matters, Mar. 19, 1970, Art. 1, 23 U.S.T. 2555, T.I.A.S. No. 7444, reprinted in 28 U.S.C. § 1781 ("Hague Evidence Convention") for a commission to take the depositions of the witnesses listed in paragraph 3 (the "Witnesses"), who are believed to be residents of Italy, was submitted on March 13, 2006.

Having considered the papers filed and the arguments of counsel, it appears to the Court that the testimony of the Witnesses will be material and relevant to claims and defenses in these actions and that it is necessary that a commission issue so that plaintiffs may take the Witnesses' depositions. Therefore,

IT IS on this \_\_\_\_ day of \_\_\_\_\_, 2006;

ORDERED, that:

1. The motion is GRANTED.
2. A commission, attached as Exhibit A, will issue under the seal of this Court:
  - (a) Directing to each of John B. Quinn, Peter E. Calamari, Loren Kieve, R. Brian Timmons, Jon R. Steiger, Johanna Y. Ong, Marc L. Greenwald, Terry L. Wit, Nathaniel P.T. Read, Jeremy Anderson, Stuart M. Grant, John C. Kairis, James J. Sabella, Diane Zilka, Lydia Ferrarese, Lisa M. Mezzetti, Mark S. Willis,



Julie Goldsmith Reiser, Joshua S. Devore, Robert M. Roseman, Andrew D. Abramowitz, Robert L. Palmer, Bruce R. MacLeod, Lauren A. Smith, Peter J. Most, Allan B. Diamond, J. Gregory Taylor, Benjamin King, Jason Collins, Herbert P. Minkel, Leo R. Beus, L. Richard Williams, Timothy J. Paris, Robert T. Mills, Stephen M. Craig, Richard A. Martin, Charles R. Jaeger, Kevin J. Toner, Deborah Kravitz, Erik Groothuis, Mark Picard, Patryk J. Chudy, Zachary S. Taylor, Michael S. Feldberg, Todd S. Fishman, Lanier Saperstein, Laura Martin, Sarah Havens, Joseph Tompkins, Alan Geolot, P. David Richardson, Mark Guerrero, Robert Keeling, Norina Edelman, Brian Vann, Peter J. Covington, John H. Cobb, Matthew J. Hoefling, Mark W. Kinghorn, James Bernard, Melvin Brosterman, Michele Pahmer, David Sifre, Katherine Puzone, Quinlan Murphy, Nancy B. Ludmerer, Christine A. Murtha, Ian R. Rooney, George A. Sirignano, Mark A. Kirsch, Mark Holland, Joel M. Cohen, Patrick L. Parker, Jason A. D'Angelo, Michael J. Dell, Jeffrey W. Davis, Timothy P. Harkness, Timothy Helwick, Jonathan Popolow, Scott Ruskay-Kidd, Craig Siegel, Joseph M. Donley, Christopher M. Brubaker, Daniel Ring, Daniel F. Kolb, Sharon Katz, Frances E. Bivens, Lynn Earl Busath, Gina Caruso, Michael C. Lambert, Bruce Braun, Derek Sarafa, Theodore Polley, Lisa Seilheimer, and Kyle De Jong (the "Commissioners") and authorizing each of them to take the depositions of the witnesses listed in paragraph 3.

(b) Authorizing the Commissioners to jointly select up to four independent Italian lawyers to act as "co-commissioners." With respect to Witnesses whose testimony was sought by both plaintiffs and defendants, the fees of the Italian

commissioners will be shared jointly by plaintiffs and defendants and be included as costs necessarily incurred in these actions. With respect to Witnesses whose testimony was sought by plaintiffs only, the fees of the Italian commissioners will be borne solely by plaintiffs. Likewise, with respect to Witnesses whose testimony was sought by defendants only, the fees of the Italian commissioners will be borne solely by defendants. The Italian Commissioners will assist in making any necessary applications to the Italian Court of Appeals to compel the attendance and testimony of any of the designated Witnesses, as provided for in paragraph 9, below.

(c) Directing the Commissioners to engage a neutral party not employed by or affiliated with any party hereto or counsel for any party to (i) administer an oath or affirmation to the Witnesses (where applicable), (ii) reduce the testimony of the Witnesses to writing, (iii) mark the books, papers, or other articles that the Witnesses may produce or identify as Exhibits in the manner indicated by the testimony; (iv) afford the Witnesses the opportunity to review and sign the transcript of the deposition and (v) certify and return the transcript to this Court, together with the commission, by mail, with all convenient speed. In the event that the Law of Italy does not permit the swearing of an oath by a particular witness, the duly appointed officer shall make inquiry of such witness to ensure that he/she understands the gravity of the procedure and affirms that his/her statement will be true and correct in all respects (the "alternative oath"). All parties agree that evidence taken under the alternative oath will not be excluded

from any action in these consolidated proceedings or at trial merely because the testimony was not taken under oath.

3. The Commissioners are authorized to take the depositions of the following witnesses: Paolo Aceto, Alain Anticoli, Donatella Alinovi, Matteo Arpe, Sonia Auda, Massimo Barbaria, Domenico Barilli, Simone Battistini, Francesco Bertolli, Maurizio Bianchi, Ugo Bianchi, Gianfranco Bocchi, Giovanni Bonici, Narcisso Borra, Paolo Botta, Mario Brughera, Giaime Cardi, Lucio Calogero, Luigi Cherchi, Fabio Conti, Luciano del Soldato, Stefano Donzelli, Alberto Ferraris, Massimiliano Ferri, Stefano Filippi, Eros Francini, Cesare Geronzi, Francesco Giuffredi, Marco Giuliani, Gianni Grisendi, Franco Gorreri, Antonio Luzi, Giuliano Malacarne, Fabio Malerba, Martin Manduca, Maria Martellini, Patrizia Medvedich, Luis Moncada, Lorenzo Penca, Claudio Pessina, Andrea Petrucci, Alberto Piva, Carlo Prevedini, Filippo Sabatini, Luca Sala, Paolo Sciume, Luciano Silingardi, Nicola Spadafora, Calisto Tanzi, Giovanni Tanzi, Stefano Tanzi, Fausto Tonna, Luca Toniutti, Stefano Trauzzi, Alberto Triggiani, Mario Valla, Andrea Ventura, Marco Verde, Sabrina Vignali, Francesco Viotto and Gian Paolo Zini.
4. The depositions shall be taken in accordance with the Federal Rules of Civil Procedure and the Local Rules for the Southern District of New York insofar as they are not incompatible with the laws of Italy or contrary to any permission granted pursuant to the Hague Evidence Convention. Each deposition will be presided over by one of the Commissioners. Where a witness identified with the defendants is being questioned, a "plaintiff" Commissioner will preside. Where a

witness identified with the plaintiffs is being questioned, a "defendant"

Commissioner will preside. For the purposes of this paragraph, all former Parmalat directors, officers, and employees will be considered to be identified with the plaintiffs. This paragraph applies only to depositions taken pursuant to the commission process in Italy, and not any other extraterritorial process sanctioned by the Court.

5. Other counsel will be permitted to ask questions of the Witnesses, using the normal U.S. procedure of directly asking the question of the witness. Other counsel will also be permitted to make appropriate objections on the record. The Witnesses will retain their right to counsel.
6. The depositions shall be taken by means of oral examination with the right of all parties to oral cross-examination, and the Commissioners shall be permitted to engage a neutral third party not employed by or affiliated with any party hereto or any counsel for any party hereto to record the testimony on a tape or video recorder and/or stenographically. Where necessary or advisable, there shall be two transcriptions of the testimony created during the deposition, one in English and the other in Italian, and where necessary, the questions shall be translated to the Witnesses in Italian and the answers translated into English, and the questions and answers so given in English and Italian shall be transcribed as stated.
7. Any depositions taken pursuant to the commissions shall be on notice to all parties to this action in accordance with the Federal Rules of Civil Procedure and the Local Rules for the Southern District of New York. The Commissioners shall provide 14 days' notice of any effort to obtain permission from any court in Italy

having jurisdiction over any Witness for any deposition to be taken pursuant to the commission.

8. Each of the Commissioners appointed by this Order may take the deposition of any of the Witnesses, provided however that no Witness shall be required to give more than one deposition unless agreed by the parties or ordered by the Court.
9. Under the terms of Article 18 of the Hague Evidence Convention, as well as the related declaration rendered by Italy at the time of its ratification (Italian Official Journal No. 230, August 21, 1982, at 5983), this Court expressly requests the Italian Court of Appeals to simultaneously authorize, at the time the petition for commissions is granted, the Commissioners to resort to coercive measures should any of the designated Witnesses refuse to appear on his/her own.
10. The commission procedure described in this Order shall be used in future requests to this Court to seek depositions of foreign witnesses in countries that allow commissions under Article 17 of the Hague Evidence Convention, unless plaintiffs do not oppose the usage of another procedure. Requests to seek depositions in countries that do not allow commissions shall be submitted in whatever form is consistent with the law of the respective country at issue.
11. To the extent that any Witnesses identified in paragraph 3 are parties or employees of parties in these consolidated proceedings, the parties expressly reserve the right to proceed by notice of deposition pursuant to the Federal Rules of Civil Procedure.

SO ORDERED.

Dated: \_\_\_\_\_, 2006

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Lewis A. Kaplan  
United States District Judge

# **EXHIBIT A**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
In re PARMALAT SECURITIES LITIGATION

This document relates to: All Cases

MASTER DOCKET  
04 MD 1653 (LAK)

----- X  
**Commission to Take Depositions**

*The United States District Court for the Southern District of New York to John B. Quinn, Peter E. Calamari, Loren Kieve, R. Brian Timmons, Jon R. Steiger, Johanna Y. Ong, Marc L. Greenwald, Terry L. Wit, Nathaniel P.T. Read, Jeremy Anderson, Stuart M. Grant, John C. Kairis, James J. Sabella, Diane Zilka, Lydia Ferrarese, Lisa M. Mezzetti, Mark S. Willis, Julie Goldsmith Reiser, Joshua S. Devore, Robert M. Roseman, Andrew D. Abramowitz, Robert L. Palmer, Bruce R. MacLeod, Lauren A. Smith, Peter J. Most, Allan B. Diamond, J. Gregory Taylor, Benjamin King, Jason Collins, Herbert P. Minkel, Leo R. Beus, L. Richard Williams, Timothy J. Paris, Robert T. Mills, Stephen M. Craig, Richard A. Martin, Charles R. Jaeger, Kevin J. Toner, Deborah Kravitz, Erik Groothuis, Mark Picard, Patryk J. Chudy, Zachary S. Taylor, Michael S. Feldberg, Todd S. Fishman, Lanier Saperstein, Laura Martin, Sarah Havens, Joseph Tompkins, Alan Geolot, P. David Richardson, Mark Guerrero, Robert Keeling, Norina Edelman, Brian Vann, Peter J. Covington, John H. Cobb, Matthew J. Hoeftling, Mark W. Kinghorn, James Bernard, Mel Brosterman, Michele Pahmer, David Sifre, Katherine Puzone, Quinlan Murphy, Nancy B. Ludmerer, Christine A. Murtha, Ian R. Rooney, George A. Sirignano, Mark A. Kirsch, Mark Holland, Joel M. Cohen, Patrick L. Parker, Jason A. D'Angelo, Michael J. Dell, Jeffrey W. Davis, Timothy P. Harkness, Timothy Helwick, Jonathan Popolow, Scott Ruskay-Kidd, Craig Siegel, Joseph M. Donley, Christopher M. Brubaker, Daniel Ring, Daniel F. Kolb, Sharon Katz, Frances E. Bivens, Lynn Earl Busath, Gina Caruso, Michael C. Lambert, Bruce Braun, Derek Sarafa, Theodore Polley, Lisa Seilheimer and Kyle De Jong, Greetings:*

Each of you has been duly appointed and is authorized, at days and places set by you, to cause the following witnesses ("Witnesses") to come before you as witnesses in the above entitled action pending in this court: Paolo Aceto, Alain Anticoli, Donatella Alinovi, Matteo Arpe, Sonia Auda, Massimo Barbaria, Domenico Barili, Simone Battistini, Francesco Bertolli, Maurizio Bianchi, Ugo Bianchi, Gianfranco Bocchi, Giovanni Bonici, Narcisso Borra, Paolo Botta, Mario Brughera, Giaime Cardi, Lucio Calogero, Luigi Cherchi, Fabio Conti, Luciano del Soldato, Stefano Donzelli, Alberto Ferraris, Massimiliano Ferri, Stefano Filippi, Eros Francini, Cesare Geronzi, Francesco Giuffredi, Marco Giuliani, Gianni Grisendi, Franco Gorreri, Antonio



Luzi, Giuliano Malacarne, Fabio Malerba, Martin Manduca, Maria Martellini, Patrizia Medvedich, Luis Moncada, Lorenzo Penca, Claudio Pessina, Andrea Petrucci, Alberto Piva, Carlo Prevedini, Filippo Sabatini, Luca Sala, Paolo Sciume, Luciano Silingardi, Nicola Spadafora, Calisto Tanzi, Giovanni Tanzi, Stefano Tanzi, Fausto Tonna, Luca Toniutti, Stefano Trauzzi, Alberto Triggiani, Mario Valla, Andrea Ventura, Marco Verde, Sabrina Vignali, Francesco Viotto, and Gian Paolo Zini.

You have been duly appointed and are authorized to:

1. Engage a neutral party not employed by or affiliated with any party hereto or counsel for any party to (i) administer an oath or affirmation to the Witnesses (where applicable), (ii) reduce the testimony of the Witnesses to writing, (iii) mark the books, papers, or other articles that the Witnesses may produce or identify as Exhibits in the manner indicated by the testimony; (iv) afford the Witnesses the opportunity to review and sign the transcript of the deposition and (v) certify and return the transcript to this Court, together with the commission, by mail, with all convenient speed. In the event that the Law of Italy does not permit the swearing of an oath by a particular witness, the duly appointed officer shall make inquiry of such witness to ensure that he/she understands the gravity of the procedure and affirms that his/her statement will be true and correct in all respects.
2. Jointly select up to four independent Italian lawyers to act as "co-commissioners." With respect to Witnesses whose testimony was sought by both plaintiffs and defendants, the fees of the Italian commissioners will be shared jointly by plaintiffs and defendants and be included as costs necessarily incurred in these

actions. With respect to Witnesses whose testimony was sought by plaintiffs only, the fees of the Italian commissioners will be borne solely by plaintiffs.

Likewise, with respect to Witnesses whose testimony was sought by defendants only, the fees of the Italian commissioners will be borne solely by defendants.

The Italian Commissioners will assist in making any necessary applications to the Italian Court of Appeals to compel the attendance and testimony of any of the designated Witnesses, as provided for in paragraph 4 below.

3. Provide 14 days' notice of any effort to obtain permission from any court in Italy having jurisdiction over any Witness for any deposition to be taken pursuant to the commission, and provide notice of the ensuing deposition to all parties to this action in accordance with the Federal Rules of Civil Procedure and the Local Rules for the Southern District of New York.
4. Petition the Italian Court of Appeals for the power to resort to any coercive measures authorized by that Court under the terms of Article 18 of the Hague Evidence Convention, as well as the related declaration rendered by Italy at the time of its ratification, to compel any of the designated Witnesses who refuse to appear on his/her own.
5. Preside over the depositions of the Witnesses, examine the Witnesses orally, permit other counsel to ask questions of the Witnesses, using the normal U.S. procedure of directly asking the question of the witness, and permit other counsel to make appropriate objections on the record. The Witnesses will retain their right to counsel.

6. Sign, or delegate to the duly appointed official the signing of, the resulting transcripts of the depositions, and to seal those transcripts in envelopes bearing the title of this action, as above set forth, noting that they contain the depositions of the Witnesses.
7. Return the sealed transcript of the depositions, and the Exhibits or certified copies of the Exhibits, to the Clerk of this Court, together with this commission, with all convenient speed.

WITNESS the Honorable Lewis A. Kaplan, for the United States District Court for the Southern District of New York on \_\_\_\_\_, 2006.

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Lewis A. Kaplan  
United States District Judge

J. Michael McMahon  
Clerk of the United States District Court  
for the Southern District of New York

By: \_\_\_\_\_  
Clerk of Court